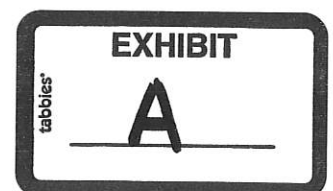


COMPLAINT

1. The Plaintiff is Trinity A. Fleming, is a nineteen-year-old who was previously residing at the Corrections Center of Northwest Ohio in Stryker Ohio.
2. The Defendant City of Fort Wayne is a municipality recognized and organized under the laws of the state of Indiana which has an address of Citizen Square 200 East Berry Street, 4th Floor, Fort Wayne, Indiana 46802.
3. Defendant “John Does” are unnamed police officers for the City of Fort Wayne whose names will be added to the Complaint upon learning of their identities.
4. On December 18, 2020, A Tort Claim Notice was mailed to the City of Fort Wayne via US Postal Service Certified Mail Receipt, a copy of which is attached hereto and made apart hereof as Exhibit A. The Certified Mail Receipt and the “green cards” are attached hereto and made apart hereof as Exhibit B.
5. The City of Fort Wayne is responsible for the actions of its “John Doe” under the doctrine of *respondeat superior*.



6. On or about November 16, 2020, around 12:30 a.m., Defendant Fort Wayne City Police Officers chased the Plaintiff who was in a vehicle which had stopped, where upon the Plaintiff exited the vehicle and went behind a bush.
7. Prior to being mauled by the K-9 police dog, Plaintiff was not disfigured and presented herself as a beautiful and vibrant young woman. (See Exhibit C).
8. While Plaintiff was behind a bush, the Fort Wayne City Police Officers/K-9 handler released his K-9 despite the fact that Plaintiff had given up and posed no threat and had no weapon. The K-9 savagely attacked the Plaintiff, a diminutive female of nineteen years who was savagely mauled and bitten about the face and head by the K-9 police dog which caused traumatic injuries to the Plaintiff. See Exhibit D-1 through D-9.
9. The “John Doe” City Police Officers are liable for the use of unlawful excessive force in the seizure of the Plaintiff in violation of Plaintiff’s constitutional rights to be free from excessive force under the Fourth Amendment of the United States Constitution and 42 U.S.C. § 1883, as these police officers were acting in their individual capacities as persons under color of law while executing their duties as Fort Wayne City Police Officers pursuant to the rules, statutes, and ordinances of the state of Indiana and the City of Fort Wayne.
10. The City of Fort Wayne is liable under the tort laws of the state of Indiana for the negligence and recklessness of its Fort Wayne City Police Officers in allowing a K-9 Police Dog to savagely maul and injury a defenseless nineteen-year-old girl (the Plaintiff) who had given up, who had no weapon, and who posed no risk of danger to the police Officers or anyone else.

11. As a direct and proximate result of the actions of the Defendants, Plaintiff suffered traumatic injuries (Exhibits D-1 through D-9), physical pain, mental anguish, emotional distress, permanent scarring, hospital expenses, medical expenses, future medical expenses (including plastic surgery), permanent disfigurements, pharmaceutical/medications, the physical pain and expense of future reconstructive surgeries, and other injuries and damages for which Plaintiff seeks compensatory damages.

12. The actions of the individual “John Doe” police officers were intentional and in reckless disregard of Plaintiff’s federally protected civil rights under the Fourth Amendment and 42 U.S.C. § 1983, warranting an imposition of punitive damages.

WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them, for compensatory damages, punitive damages as against the individual police officers, reasonable attorney’s fees under 42 U.S.C. § 1988 as against the individual police officers, reasonable costs of the action against all Defendants, and for all other just and proper relief available under the tort laws of the state of Indiana and 42 U.S.C. § 1983, and the United States Constitution.

JURY DEMAND

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

MYERS ♦ SMITH ♦ WALLACE, LLP

/s/Christopher C. Myers

Christopher C. Myers, #10043-02
809 South Calhoun Street, Suite 400

Fort Wayne, IN 46802
Telephone: (260) 424-0600
Facsimile: (260) 424-0712
E-mail: cmyers@myers-law.com
Counsel for Plaintiff

Allen Superior Court 2

Allen County, Indiana
BB

CHRISTOPHER C. MYERS & ASSOCIATES

LAW OFFICES

809 S. Calhoun Street Suite 400 • Fort Wayne, IN 46802
(260) 424-0600 • (260) 424-0712

CHRISTOPHER C. MYERS
ILENE M. SMITH

cmyers@myers-law.com
ismith@myers-law.com

December 18, 2020

Tom Henry, Mayor
City of Fort Wayne
Citizen's Square
200 East Berry Street, 4th Floor
Fort Wayne, IN 46802

Carol Helton, City Attorney
City of Fort Wayne
200 East Berry Street, Suite 425
Fort Wayne, IN 46802

TORT CLAIM NOTICE

Trinity Fleming v. Fort Wayne Police Officers/City of Fort Wayne

Dear Mayor and Ms. Helton:

This is the tort claim notice of Trinity A. Fleming.

Date, Time, Place of Loss:

On or about November 16, 2020, around 12:30 a.m. starting on Interstate 69 in Allen County and the streets and highways of northeast Fort Wayne, Indiana.

Circumstances Leading to the Loss:

Complainant was in a vehicle traveling on I-69 in Allen County/Fort Wayne, Indiana, and was also in the vehicle when it was traveling on the streets and highways of northeast Indiana. The Fort Wayne City of Police chased the Complainant who was in the vehicle. The vehicle stopped and the Complainant got out and went to a bush, at which time the Fort Wayne City Officer/Dog Handler released his K-9, and despite giving up, being no threat, having no weapon—the Handler/Officer permitted his dog to attack the Complainant. The dog bit the Complainant in the face numerous times and savagely mugged the Complainant such that she was unrecognizable and is in need of plastic surgery. And even then she will be permanently disfigured.

EXHIBIT
A

Names of All Persons Involved (If Known):

Complainant Trinity Fleming
Complainant's Mother Jennifer Fleming
Unnamed City of Fort Wayne Police Officers
Unnamed Physicians, Nurses
Unnamed Plastic Surgeons, Nurses
Unnamed Healthcare Providers
Mental Health Counselors
Ambulance/EMS Personnel

Damages/Injuries:

Physical pain, mental anguish, emotional distress, humiliation, embarrassment from being disfigured, need for future plastic surgeries, hospitalization and medical expenses, doctors' bills, pharmaceuticals/medications, future surgeries, other compensatory and punitive damages.

Relief Requested:

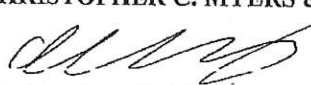
\$700,000 plus costs and medical expenses.

Residence of Claimant at the Time of the Loss and at the Time of the Filing of This Notice:

Both at the time of the incident and presently, Complainants address is/was 5151 Central Avenue, Indianapolis Indiana 46205.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES


Christopher C. Myers

CCM/jdg

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Ms. Carol Helton
200 E. Berry St., Suite 425
Fort Wayne, IN 46802

2. Article Number (Transfer from service label)
7019 1120 0001 2787 6615

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Cassandra E. Rogers*

B. Received by (Printed Name)
Cassandra E. Rogers

C. Date of Delivery
12-21-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☒ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

DEC 23 2020

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Mayor Tom Henry
Citizen Square
200 E. Berry St. 4th Floor
Fort Wayne, IN 46802

2. Article Number (Transfer from service label)
7019 2280 0002 2112 3279

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Cassandra E. Rogers*

B. Received by (Printed Name)
Cassandra E. Rogers

C. Date of Delivery
12-21-20

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery

☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☒ Signature Confirmation
☐ Signature Confirmation Restricted Delivery

DEC 23 2020

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total Postage and Fees
\$ 6.90

Sent To
Mayor Tom Henry
200 E. Berry St. 4th Floor
Fort Wayne, IN 46802

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here
DEC 18 2020
1:58P

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee
\$

Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
\$

Total Postage and Fees
\$ 6.90

Sent To
Carol Helton
200 E. Berry St. Suite 425
Fort Wayne, IN 46802

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here
DEC 18 2020
1:58P

EXHIBIT
B



EXHIBIT
C

Trinity Fleming – Photographs

Allen Superior Court 2

Filed 8/23/2021 5:42 PM
Clerk
Allen County, Indiana
BB



EXHIBIT
D-1

Trinity Fleming – Photographs



EXHIBIT
D-2

Trinity Fleming – Photographs

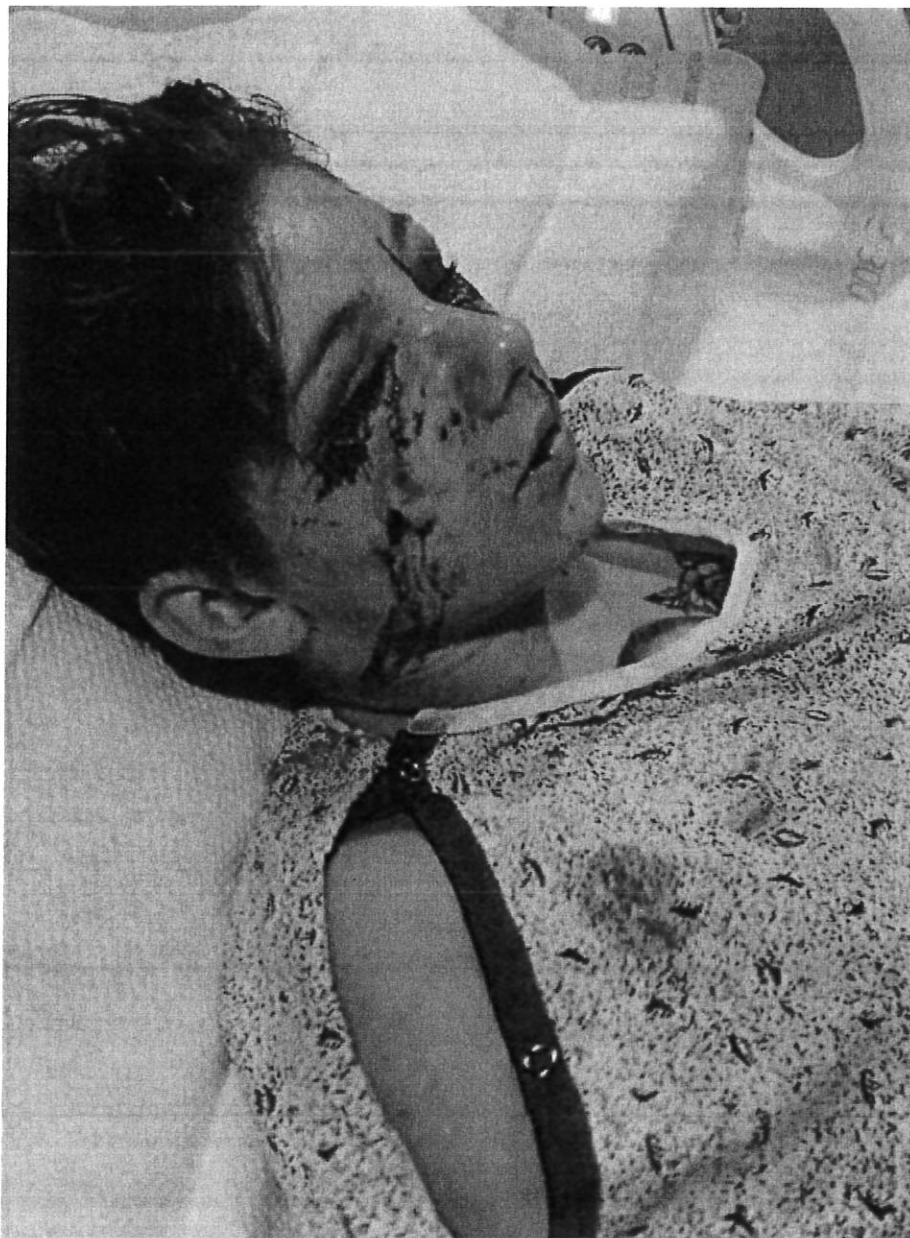


EXHIBIT
D-3

Trinity Fleming – Photographs



EXHIBIT
D-4

Trinity Fleming – Photographs



EXHIBIT
D-5

Trinity Fleming – Photographs



EXHIBIT
D-6

Trinity Fleming – Photographs



EXHIBIT
D-7

Trinity Fleming – Photographs



EXHIBIT
D-8

Trinity Fleming – Photographs



EXHIBIT
D-9